

COMMISSIONERS COURT DOCKET
June 27, 2017
REGULAR SESSION

THE STATE OF TEXAS

COUNTY OF MONTGOMERY

BE IT REMEMBERED that on this the 27th day of June, 2017, the Honorable Commissioners Court of Montgomery County, Texas, was duly convened in a Regular Session in the Commissioners Courtroom of the Alan B. Sadler Commissioners Court Building, 501 North Thompson, Conroe, Texas, with the following members of the Court present:

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| County Judge | Craig Doyal |
| Commissioner, Precinct 1 | Mike Meador |
| Commissioner, Precinct 2 | Charlie Riley |
| Commissioner, Precinct 4 | Jim Clark |
| Also County Clerk's Office | Amber Twiddy |

ABSENT-

| | |
|--------------------------|-------------|
| Commissioner, Precinct 3 | James Noack |
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INVOCATION GIVEN BY Barbara Adamik

THE PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA RECITED.

THE PLEDGE OF ALLEGIANCE TO THE TEXAS STATE FLAG RECITED.

1. COMMISSIONERS COURT AGENDA APPROVED.

Motion by Commissioner Meador, seconded by Commissioner Clark, to approve Commissioners Court Agenda for discussion and necessary action. Motion carried.

2. RESOLUTION APPROVED – TAX ABATEMENT – TAX ASSESSOR-COLLECTOR

Motion by Commissioner Meador, seconded by Commissioner Riley, to grant Memstar USA, Inc. tax abatement for 9.98 acres in Conroe Park North to be purchased by Memstar in accordance with the terms of the Tax Abatement Agreement, which is approved and County Judge is authorized to sign the Tax Abatement Agreement. Motion carried.

TOBY POWELL, MAYOR OF THE CITY OF CONROE ADDRESSED THE COURT CONCERNING THE ALLOCATION OF THE CDBG FUNDS. HE ASKED THE COURT TO RECONSIDER THE ALLOCATIONS.

3. PROCLAMATION APPROVED – DISTINGUISHED SERVICE AWARD

Motion by Commissioner Meador, seconded by Commissioner Riley, to recognize and thank the members of the Montgomery County Historical Commission for their individual and collective efforts that have enriched the lives of Montgomery County residents. The Montgomery County Historical Commission was also presented the 2016 Distinguished Service Award from the Texas Historical Commission. Motion carried.

4. MINUTES APPROVED – COUNTY CLERK

Motion by Commissioner Clark, seconded by Commissioner Meador, to approve the Minutes from Regular Session of Commissioners Court dated June 13, 2017. Motion carried.

AGENDA ITEM 9D2 FIRST BULLET POINT – PUBLIC INVOLVEMENT AND COMMUNITY OUTREACH WITH CONCEPT DEVELOPMENT & PLANNING, LLC WAS MOVED TO THE OPEN SESSION AND DEFERRED.

5. RESOLUTION AND ORDER APPROVED – CONSENT AGENDA – AGENDA ITEMS 9 A-R

Motion by Commissioner Meador, seconded by Commissioner Riley, to unanimously approve all actions, items, resolutions and authorizations shown on the Consent Agenda and County Judge is appointed and authorized to sign any contracts, approvals and other documents in connection with any items shown on the Consent Agenda save and except the items removed from the consent agenda, as follows:

COUNTY AUDITOR – AGENDA ITEMS 9A1-3

- A1. PAYMENT OF ACCOUNTS APPROVED, as submitted by the County Auditor.
- A2. MONTHLY UNAUDITED FINANCIAL REPORTS ACCEPTED for the months of March, April, and May, 2017.
- A3. BUDGET AMENDMENTS FY2017 APPROVED:
 - a. Animal Shelter: To adjust line items.
 - b. Commissioner Precinct 1: To adjust line items, fund positions 6122.3404.1 and 6122.4810.1 per M6/06.13.17, and recognize and allocate revenue.
 - c. Commissioner Precinct 3: To recognize and allocate revenue, adjust line items, and transfer funds for desk build out for Pct 3 Nature Project.
 - d. Constable Precinct 2: To recognize and allocate revenue and adjust line items.
 - e. Constable Precinct 3: To set up grant budget as awarded by the NRA Foundation M4/06.13.17.
 - f. Constable Precinct 4: To recognize and allocate revenue, adjust line items and adjust budgeted line items.
 - g. Contingency: To re-allocate funds per M4/06.13.17.
 - h. County Attorney: To recognize and allocate revenues.
 - i. County Court of Law 3: To adjust line items.
 - j. County Court of Law 4: To recognize and allocate revenues.
 - k. County Court of Law 5: To adjust line items.
 - l. County Extension: To recognize and allocate revenues.
 - m. Court Guardianship: To recognize and allocate revenue.
 - n. Court Reporter Service Fund: To recognize and allocate revenue.
 - o. District Attorney: To set up D.A. ICE contract M7/06.13.17.
 - p. Drug Court/DWI Court: To adjust line items.

- q. Elections: To recognize and allocate revenue.
- r. Emergency Management: To de-obligate funds per CJD adjustment.
- s. Forensic Services: To adjust line items.
- t. Historical Commission: To recognize and allocate revenues.
- u. Justice of the Peace Precinct 4: To adjust line item.
- v. Juvenile Probation: To recognize and allocate reimbursement received National School Lunch Program for May/17, set up budget for Juvenile MH Srvc contract from HGAC M9/06.13.17, set up budget for 17-D0174 for Juvenile RDA Program Alloc Rev, and adjust line items.
- w. MCCD: To recognize and allocate PI received for Willis Building (PI-1.1), Lonestar Building (PI-1.2), Magnolia Building (PI-2.1), Mag Medical Building (PI-2.2) and Splendora Building (PI-4.1).
- x. Memorial Library: To recognize and allocate revenue.
- y. Sheriff: To adjust line items, transfer funds for Academy Building Remodel, transfer funds for position changes due to Sheriff Reorganization, adjust line items for EOC 911 Room, and adjust line items for purchase of 8 trucks for Detectives.
- z. Sheriff-Auto Theft YR 23: To add additional DPS Matching funds.
- aa. Sheriff-Jail: To recognize and allocate funds.

TREASURER – AGENDA ITEMS 9B1-2

- B1. PLEDGES AND/OR RELEASES OF COLLATERAL REPORT APPROVED.
- B2. MONTHLY STATEMENT OF BALANCES REPORT APPROVED for May 2017.

TAX ASSESSOR/COLLECTOR – AGENDA ITEM 9C1

- C1. MONTHLY TAX COLLECTION REPORT APPROVED for month ending May 31, 2017.

PURCHASING – AGENDA ITEMS 9D1-12

- D1. CONTRACT APPROVED with the following highly qualified provider per government code chapter 2254:
 - a. On call transportation engineering services with the Holzwarth Company for Various Precincts.
- D2. RENEWALS APPROVED:
 - a. THIS ITEM FROM THE RENEWALS WAS MOVED TO THE OPEN SESSION AND DEFERRED- Public Involvement and Community Outreach with Concept Development & Planning.
 - b. Miscellaneous auto parts picked up/delivered with W&G Auto & Industrial Supply, Co. dba Napa Auto Parts for Various Departments. (Exercising the fifth of five renewal options)

- c. Products and related services through the State of Texas Department of Information Resources contract #DIR-TSO-3359 and add amendment #1 with each of the following vendors: NWN Corporation and Hewlett Packard Enterprise Company for Various Departments. (Exercising the third of three renewal options) Local Gov't Code §271.083
- d. Paint and miscellaneous supplies with the Sherwin-Williams Company for Various Departments. (Exercising the fifth of five renewal options)
- e. Polyethylene corrugated pipe with Coburn Supply, Co., Inc. for Various Departments. (Exercising the fifth of five renewal options)
- f. Processing, printing and mailing of tax statements with Variverge, LLC for Tax Office. (Exercising the second of three renewal options)
- g. Heavy duty equipment rental with R.B. Everett & Company for Precinct 4. (Exercising the third of five renewal options)
- h. Guardrail materials, installation and repair with Willow City Sign and Rail, Inc. for Various Departments. (Exercising the second of three renewal options)
- i. Floor covering and installation with Northwest Interiors, Inc. dba Color Interiors for Various Departments. (Exercising the fifth of five renewal options)
- j. Cisco products and related services with Cisco Systems, Inc. through the State of Texas Department of Information Resources contract #DIR-TSO-2542 and add amendments #3 and #4 for Various Departments. (Exercising the third of three renewal options) Local Gov't Code §271.083
- k. Construction, repair, rehabilitation or alteration of residential buildings with section 3 requirements with MJR Services, Inc. for MCCD. (Exercising the first of three renewal options)
- l. Products and related services through the State of Texas Department of Information Resources contract #DIR-TSO-3334 with Centre Technologies, Inc. and add amendment #1 for Various Departments. (Exercising the first of two renewal options) Local Gov't Code §271.083
- m. Products and related services through the State of Texas Department of Information Resources contract #DIR-TSO-2661 with CDW Government, LLC and add amendment #1 for Various Departments. (Exercising the second of two renewal options) Local Gov't Code §271.083
- n. Hardwood, lumber supplies and miscellaneous items with each of the following vendors: Conroe Door and Hardware, Inc. and Clark's Hardwood Lumber, Co. for Building Maintenance. (Exercising the third of four renewal options)
- o. Bulk road materials asphaltic emulsions with Cleveland Asphalt Products, Inc. for Various Precincts. (Exercising the fifth of five renewal options)

D3. CHANGE ORDERS APPROVED:

- a. CO #1 to Anixter, Inc. dba Anixter Power Solutions, LLC through the State of Texas Department of Information Resources contract #DIR-SDD-2210 for products and related services to add amendment #6 and #7 for Various Departments. Local Gov't Code §271.083
- b. CO #1 to Cobb Fendley & Associates, Inc. for engineering design services for Keenan Cutoff Road to reduce project from 3.15 miles to 0.57 miles for a reduction in price of \$270,194.00 for Precinct 2.

D4. ADVERTISING APPROVED for the following:

- a. Labor for telephone/data cabling for IT.

- b. Legal advertising for various departments.
 - c. Road and traffic signal intersection improvements at Hardin Store Road and Dobbin Huffsmith Road for Precinct 2.
- D5. DISCRETIONARY EXEMPTIONS APPROVED:
- a. Rusk commitments as a personal or professional service from Cherokee County Clerk for County Clerk. Local Gov't Code §262.024(a)(4)
 - b. Products/cds/books/publications as an item that can only be obtained from one source from Mathew Bender & Company, Inc. dba Lexis Nexis Mathew Bender for Various Departments. Local Gov't Code 262.024(a)(7)
 - c. On-Line computer assisted legal research as an item that can only be obtained from one source from Relx, Inc. (fka Reed Elsevier, Inc.) Lexisnexis, a division of Relx, Inc. for Various Departments. Local Gov't Code §262.024(a)(7)
 - d. Environmental assessment review for Angel Reach as a personal or professional service from Terracon Consultants, Inc. in the amount of \$9,500.00 for MCCD. Local Gov't Code 262.024(a)(4).
- D6. MISCELLANEOUS ITEMS APPROVED as salvage for Various Departments. Local Gov't Code §263.152.
- D7. MISCELLANEOUS ITEMS APPROVED for the next on-line auction with Rene Bates Auctioneers, Inc. for Various Departments.
- D8. AWARDS APPROVED for the following:
- a. Roads-surface treatment to Waters Construction for Various Departments.
 - b. Printing of miscellaneous forms to Shakun Solutions, LLC dba Precision Printing/Alpha Graphics of Conroe for Various Departments.
- D9. CERTIFICATE OF SUBSTANTIAL COMPLETION OF GENERAL CONSTRUCTION APPROVED for the Design-Build of North Montgomery County Recycling Facility from Fairweather Group, LLC for Precinct 1.
- D10. CONTRACTS APPROVED for the following:
- a. Traffic control, enforcement & signal preemption equipment through the Interlocal Agreement with Houston-Galveston Area Council of Governments contract #PE05-17 from Consolidated Traffic Controls, Inc. for Various Departments. Local Gov't Code §271.102
 - b. Uniforms and accessories for various areas through the Interlocal Agreement with Buyboard contract #507-16 from Galls, LLC for Various Departments. Local Gov't Code §271.102
 - c. First aid, emergency medical, and athletic trainer supplies and equipment through the Interlocal Agreement with Buyboard contract #530-17 from Sterlington Medical MDD Marketing, Inc. for Various Departments. Local Gov't Code §271.102
 - d. Products and related services through the State of Texas Department of Information Resources contract #DIR-TSO-3831 from Southern Computer Warehouse, Inc. for Various Departments. Local Gov't Code §271.083
 - e. Grounds maintenance equipment, irrigation parts, supplies and installation through the Interlocal Agreement with Buyboard Contract #529-17 from Kubota Tractor Corporation for Various Departments. Local Gov't Code §271.102

- f. Disaster restoration & recovery services through the Interlocal Agreement with the Region 5 Education Service Center Contract #20170403 from D & T Contracting, LP for Various Departments. Local Gov't Code §271.102

D11. CONTRACTS APPROVED for the following:

- a. RFP-Disaster Recovery (Debris) management services as follows: CrowderGulf, LLC as the Prime Vendor; 1st alternate vendor Ceres Environmental Services, Inc.; and 2nd alternate vendor DRC Emergency Services, for Various Departments. This was previously approved in Commissioners Court on 04/25/17.

D12. REQUEST APPROVED for the Specialized Security Training Course through the General Services Administration contract #GS-07F-0280W from PAE National Security Solutions, LLC in the amount of \$66,430.20 to be funded by the 2015 UASI Regional Team Sustainment for Emergency Management. Local Gov't Code §271.103.

COMMISSIONERS – AGENDA ITEMS 9E1-3

E1. PRECINCT 1

- a. USE AGREEMENT APPROVED with Montgomery Bandits Baseball to use the baseball fields at West Montgomery County Park for practices as scheduled by Montgomery Little League from July 1, 2017 through December 31, 2017.
- b. USE AGREEMENT APPROVED with Willis Outlaws to use the baseball fields at Charles Traylor Sports Park for practices as scheduled by W.Y.A.A. now through August 1, 2017.

E2. PRECINCT 2

- a. ANNUAL FINANCIAL AUDIT REPORT ACCEPTED for ESD #10 (Emergency Service District) with fiscal year ending December 31, 2016.

E3. PRECINCT 4

- a. REQUEST APPROVED from Montgomery County Emergency Services District #7 for an extension of thirty days for the filing of their district audit report to the Commissioners Court, which was due June 1, 2017, pursuant to Section 775.082 of the Texas Health and Safety Code.
- b. CHECK ACCEPTED in the amount of \$1,503.40 from the City of Roman Forest for fuel reimbursement. This will be deposited into line item no. 615-7926. Check has been forwarded to Auditor for further processing.
- c. CHECK ACCEPTED in the amount of \$663.37 from the Montgomery County Committee on Aging, Inc. for fuel reimbursement. This will be deposited into line item no. 615-7926. Check has been forwarded to Auditor for further processing.

COMMISSIONERS – COUNTY ENGINEER – AGENDA ITEMS 9F1-4

F1. PRECINCT 1

- a. PUBLIC HEARING DATE SET for July 25, 2017 to post a 20 MPH speed limit on Bear Canyon Road.

F2. PRECINCT 2

- a. PUBLIC HEARING DATE SET for July 25, 2017 to consider and approve setting a 25 MPH Speed limit on streets in Montgomery Trace, Sections 1-10 with the exception of a 30 MPH Speed Limit on Leah Drive and a 45 MPH Speed Limit on Fish Creek Thoroughfare.
- b. FINAL PLAT APPROVED of High Meadow Estates Section Two Partial Replat No. 1; 3.897 acres; Jacob Eyler Survey, A-192.
- c. FINAL PLAT APPROVED of Woodforest Section 64 Amending Plat No. 1; 30.40 acres; James Hodge Survey, A-19.
- d. STREETS ACCEPTED INTO THE COUNTY ROAD MAINTENANCE SYSTEM in Woodforest Section 42 and bond is released.
- e. FINAL PLAT APPROVED of La Vie Villas, Section 2; 4.860 acres; William Atkins Survey, A-3

F3. PRECINCT 3

- a. STREETS ACCEPTED INTO THE COUNTY ROAD MAINTENANCE SYSTEM in Falls at Imperial Oaks, section 14 and bond is released.
- b. STREETS ACCEPTED INTO THE COUNTY ROAD MAINTENANCE SYSTEM in Falls at Imperial Oaks, section 15 and bond is released.
- c. REQUEST APPROVED acknowledging that the roads in the Falls at Imperial Oaks, Section 19 have been built to county standards and have completed the one year maintenance period. The bond is released. These roads are private and will not be maintained by the county.
- d. FINAL PLAT APPROVED of Forest Village, Section 9; 10.7571 acres; R.O.W. McManus Survey, A-346.
- e. FINAL PLAT APPROVED of Woodson's Reserve, Section 6; 13.000 acres; Montgomery County School Land Survey, A-350 and A-351.
- f. FINAL PLAT APPROVED of Falls at Imperial Oaks, Section 23; 15.413 acres; Timothy O'Neil Survey, A-406.
- g. FINAL PLAT APPROVED of Rayford Road Crossing Partial Replat No. 2; 0.867 acre; Montgomery County School Land Survey, A-351.
- h. FINAL PLAT APPROVED of Rayford Road Crossing Partial Replat No. 3; 1.378 acres; Montgomery County School Land Survey, A-351.
- i. FINAL PLAT APPROVED of Rayford Road Crossing Partial Replat No. 4; 1.727 acres; Montgomery County School Land Survey, A-351.

F4. PRECINCT 4

- a. STREETS ACCEPTED INTO THE COUNTY ROAD MAINTENANCE SYSTEM in Tavola, Section 8 and bond is released.
- b. STREETS ACCEPTED INTO THE COUNTY ROAD MAINTENANCE SYSTEM in Tavola, Section 9 and bond is released.
- c. FINAL PLAT APPROVED of Forest Trace, Section 3, 29.614 acres; William B. Bridges Survey, A-73.

- d. FINAL PLAT APPROVED of Starbucks Conroe, 6.6748 acres; Richard Vince Survey, A-583.

HUMAN RESOURCES – AGENDA ITEM 9G1

G1. PAYROLL CHANGE REQUEST FORMS APPROVED:

Request of Custodial to place Juan J. Rios Tapia, Custodian, on payroll as replacement for Maria Luisa Duck, effective June 13, 2017.

Request of Custodial to discharge Evelyn K. Valdez, Custodian, effective June 16, 2017. [No benefits due]

Request of Commissioner Precinct 1 to place Clifford Williams, Park Attendant, on payroll as replacement for Cody Hodges, effective June 13, 2017.

Request of Commissioner Precinct 3 to place Kendall Kruchten, Mosquito Driver, on payroll as replacement for Elizabeth Kubacki, effective June 14, 2017.

Request of Commissioner Precinct 4 to increase salary of Scott Thomas Brogan, Operator II, due to completion of probationary period, effective July 1, 2017.

Request of Commissioner Precinct 4 to accept the resignation of Luis Angel Perez, Operator I, effective July 7, 2017. [22.71 hours or balance vacation; 7.26 hours or balance compensatory time]

Request of Commissioner Precinct 4 to increase salary of Curtis Michael Smith, Operator I, due to completion of probationary period, effective July 1, 2017.

Request of Constable Precinct 1 to accept the retirement of William R. Sanson, Sergeant, effective June 30, 2017. [247.315 hours or balance vacation; 197.98 hours or balance grandfathered sick leave; 230.75 hours or balance compensatory time; 8.00 hours or balance holiday]

Request Constable Precinct 3 to place Arquimides Canizalez, Deputy Constable, on payroll as replacement for Pedro Valerio IV, effective July 1, 2017.

Request of County Auditor to place Emily Kloesel, Part-time Clerk, on payroll, effective June 12, 2017.

Request of County Auditor to accept the resignation of Anna Spalding, Budget Analyst, effective June 23, 2017. [17.98 hours or balance vacation]

Request of County Auditor to transfer Marcos Tavarez, Budget Analyst, from Tax Assessor-Collector as replacement for Anna Spalding, effective June 26, 2017.

Request of County Clerk to transfer Melissa A. Miller, Clerk IV, from District Clerk, as replacement for Amber L. Twiddy, effective June 20, 2017.

Request of District Attorney to place Mary Nan Huffman, Chief Prosecutor, on Unpaid FMLA/Disability Leave, effective June 13, 2017.

Request of District Clerk to change status of Megan Shiflett, Court Clerk II, from part-time to full-time as replacement for Stephanie Norris, effective June 5, 2017.

Request of Justice of the Peace Precinct 2 to accept the resignation of Olivia Lauren Jane Iniguez, Court Clerk II, effective July 14, 2017. [No benefits due]

Request of Justice of the Peace Precinct 2 to place Wilma J. Taylor, Court Clerk II, on payroll as replacement for Olivia Lauren Jane Iniguez, effective July 17, 2017.

Request of Library to accept the resignation of William Benjamin Brogdon, Reference Librarian I, effective July 13, 2017. [73.22 hours or balance vacation]

Request of Library to promote Laura Lee Brownell, Branch Manager, as replacement for P. Lothman, effective June 17, 2017.

Request of Library to demote Paul Edwin Lothman, Librarian III, as replacement for L. Brownell, effective June 17, 2017.

Request of Commissioner Precinct 1 to transfer Mauricio Zepeda Carlon, Foreman, to Comm Pct 1 Recycle Center, effective June 12, 2017.

Request of Sheriff to transfer Billy G. Ballard Jr., Investigator-Cr Scene, due to Sheriff reorganization, effective June 10, 2017.

Request of Sheriff to place Travis Godwin, Officer-Civilian Deten, on payroll as replacement for Elizabeth A. Morella, effective June 10, 2017.

Request of Sheriff to accept the resignation of Samuel Sheldon Harrison, Officer-Civilian Deten, effective June 28, 2017. [54.67 hours or balance vacation; 370.27 hours or balance compensatory time]

Request of Sheriff to transfer Tina Louise Harvey, Deputy (K9), as replacement for Michael Richard Uber, effective July 1, 2017.

Request of Sheriff to promote Thomas Edward Lambert III, Detective (D3), as replacement for Broderick Jeffrey O'Connor, effective July 1, 2017.

Request of Sheriff to place Joshua S. Leal, Deputy, on payroll as replacement for Amy Nicole Blackwelder, effective June 24, 2017.

Request of Sheriff to transfer Joshua S. Leal, Deputy-Patrol (D5), as replacement for Max Joseph Toliver Jr., effective July 1, 2017

Request of Sheriff to transfer Paul A. Lopez-Carpenter, Deputy (D2), as replacement for Adam Patrick Wright, effective June 17, 2017.

Request of Sheriff to accept the resignation of Elizabeth A. Morella, Officer-Civilian Deten, effective June 7, 2017. [No benefits due]

Request of Sheriff to increase salary of Eduardo Nava, Alarm Detail Specialist, due to job re-evaluation, effective June 17, 2017.

Request of Sheriff to promote John Michael Niquette, Detective (D4) as replacement for Kristy Winters Veith, effective July 1, 2017.

Request of Sheriff to transfer Broderick Jeffrey O'Connor, Detective, as replacement for Jody M. Armstrong, effective July 1, 2017.

Request of Sheriff to transfer Cristian Roman Perez, Deputy-Patrol, as replacement for Justin Dale Allen, effective June 17, 2017.

Request of Sheriff to promote Jason Marlin Prince, Detective (D6), effective July 1, 2017.

Request of Sheriff to place Logan Duane Schneider, Officer-Civilian Deten, on payroll due to Return from Unpaid Leave of Absence, effective June 3, 2017.

Request of Sheriff to increase salary of Suzanne Yvonne Shirer, Alarm Detail Specialist, due to job re-evaluation, effective June 17, 2017.

Request of Sheriff to promote Suzanne Yvonne Shirer, Finance Assistant, as replacement for Jamie E. Hurt, effective July 1, 2017.

Request of Sheriff to place James E. Sprayberry, Deputy-Patrol (TWT), on payroll as replacement for Errett C. Leck, effective June 24, 2017.

Request of Sheriff to promote Max Joseph Toliver Jr., Detective (West), as replacement for Jason K. Davidson, effective July 1, 2017.

Request of Sheriff to transfer Adam Patrick Wright, Deputy-Patrol, as replacement for Paul A. Lopez-Carpenter, effective June 17, 2017.

Request of Sheriff to place Savannah C. Wroski, Deputy (D4), on payroll as replacement for Amber Wilson, effective June 24, 2017.

ENVIRONMENTAL HEALTH – AGENDA ITEMS 9H1-7

- H1. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 13808 Lyric Road Conroe, TX 77302.
- H2. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 26136 Hunters Trail New Caney, TX 77357.
- H3. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 8112 Jernigan Road Conroe, TX 77306.
- H4. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 13795 Sandy Springs Drive Conroe, TX 77302.
- H5. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 207 Comanche Road Montgomery, TX 77316.
- H6. VARIANCE REQUEST APPROVED to install an aerobic on site system in the 100 year flood plain located at 16928 Pioneer Trail Conroe, TX 77302.
- H7. REQUEST APPROVED for the Order Assessing Cost of Abating Nuisance and Notice of Lien to be filed in Real Property Records to recover cost to the county for demolition for abate nuisance for the property located at 12525 Royal Green Drive, Conroe, TX 77303.

COUNTY JUDGE – AGENDA ITEMS 9I1-5

- I1. USE AGREEMENT APPROVED with Montgomery County Criminal Defense Lawyers Association to use the Courthouse Steps for their annual reading of the Declaration of Independence which will be read on June 30, 2017.
- I2. REQUEST APPROVED to re-nominate Darren Hess as primary representative for Montgomery County to the HGAC Regional Homeland Security Coordinating Council Advisory Committee for June 2017-May 2019 term.
- I3. REQUEST APPROVED to nominate Miranda Hahs as alternate representative for Montgomery County to the HGAC Regional Homeland Security Coordinating Council Advisory Committee for June 2017-May 2019 term.
- I4. ORDER APPROVED authorizing the purchase of 4.663 acres in the Joseph House Survey, A-20 from Tomball Independent School District. County Judge is appointed to sign any and all documents relating to the purchase.
- I5. ORDER APPROVED accepting tax resale deed for 1/3 interest in tract 17A in the Joseph House Survey, A-20 from Tomball Independent School District. County Judge is appointed to sign any and all documents relating to the acceptance.

SHERIFF – AGENDA ITEM 9J1

- J1. REQUEST APPROVED for the de-obligation of funds pertaining to the OCDETF SW-TXE-0332 Noble Virtue agreement for 2017. The amount of \$4,000.00 will be de-obligated.

COUNTY ATTORNEY – REAL PROPERTY - AGENDA ITEMS 9K1-4

K1. PRECINCT 1

- a. ASSIGNMENT AND ASSUMPTION AGREEMENT APPROVED authorizing placement of improvements within rights of way between Inland Discount Marine, Inc. and Pier 105 Marina, LLC for Marina Drive.

K2. PRECINCT 2

- a. RESOLUTION AND ORDER TO PAY APPROVED for the acquisition, purchase, and funding of the acquisition of Parcel 29 of the expansion of McCaleb Road from Lake South Water Supply Corporation for the total sum of \$135,310.36.

K3. PRECINCT 3

- a. STIPULATION, AGREED SETTLEMENT AND CONSENT ORDER APPROVED under Railroad Commission of Texas Damage Prevention Docket No. 051772 and payment of claim is authorized in the amount of \$2,250.00. This will be funded from 614-7598.
- b. ORDER APPROVED authorizing payment of Special Commissioners Fees for Parcel 33 of the Rayford Road Project.
- c. ORDER APPROVED authorizing payment of Special Commissioners Fees for Parcel 55 of the Rayford Road Project.

K4. PRECINCT 4

- a. ORDER APPROVED acknowledging receipt of check no. 8255 in the amount of \$20.00 from Solveig Matek for lease of real property described as 5.190 acres known as tract 92 out of the Archibald Hodge Survey, A-18.

COUNTY ATTORNEY – AGENDA ITEM 9L1

- L1. RESOLUTION AND ORDER APPROVED to settle claim No. A170017 in the amount of \$18,456.20 to be paid to Gary Hyman in exchange for a full release of all claims.

COUNTY CLERK – AGENDA ITEM 9M1

- M1. DEPUTATION APPROVED of Melisa Miller as Deputy County Clerk.

CONROE-NORTH HOUSTON REGIONAL AIRPORT – AGENDA ITEM 9N0-3

- N0. RESOLUTION AND ORDER APPROVED permitting Angel Flight, a nonprofit organization, access to use the county airport on November 4, 2017 from approximately 7:00 a.m. to approximately 12:00 p.m. to conduct a “Race of Angels” fun run event.
- N1. PUBLIC HEARING DATE SET of July 25, 2017 to name the Airport South Perimeter Road that Connects Military Drive and Hawthorne Drive “C.R. Dowell Way”.

- N2. ASSIGNMENT OF LAND LEASE APPROVED between D.R. Packard and Jack Huddleston for a 0.904 acre of land at the Conroe-North Houston Regional Airport.
- N3. LAND LEASE AGREEMENT APPROVED between Montgomery County and Jack Huddleston for a 0.904 acre parcel and a 0.9 acre parcel of land at the Conroe-North Houston Regional Airport.

CONSTABLE PRECINCT 4 – AGENDA ITEM 901

- O1. APPOINTMENTS APPROVED of the following Reserve Deputy Constables for Montgomery County Constable Precinct 4:
- a. Robert Burns
 - b. Bryan Hosler.

JUVENILE PROBATION – AGENDA ITEM 9P1

- P1. APPLICATION APPROVED for the National School Lunch/Breakfast Program to the Texas Health and Human Service Commission and funding will be accepted once awarded. The amount of the grant is based on reimbursements.

OFFICE OF COURT ADMINISTRATION – AGENDA ITEM 9Q1

- Q1. EXECUTED CONTRACTS APPROVED for Felony Contract Defender Pilot Program. County Judge is authorized to sign the contracts on behalf of Montgomery County. The attorneys are as follows:
- Allen, Christopher; Baker IV, Benton; Baker, Wendy Wilson; Barker, Robbie – 435th; Bartlett, Robert S.; Beck, Christopher A.; Bihm, Katherine; Blackburn, Celeste; Bluestein, David; Bond, E. Tay; Brown, Kristen; Bruegger, Alexis; Chandler, Inger H.; Choate, John; Crespo, Ivan; Crow, Jerald; Czajkoski, K. Nicole; Duckworth, Tony; Finch, Jeremy; Gaines, Gregory; Gibbs, Chester Deandre; Graves, Tucker; Griffin, Michael T.; Hafley, John C.; Harrison, William; Jackson, Stephen; Kolski, Andrea; Krippel, Joseph; Little, Wendy L.; Mata, Jose; McCotter, Lawrence; Morrison, Paul; Neufeld, Matthew; Pattillo, William (Bill); Phillips, Mark M.; Ray, Darin J.; Shields, Judith; Stevens, Grant; Walker, Jarrod; Yates, Dennis.

ELECTIONS – AGENDA ITEMS 9R1-2

- R1. EARLY VOTING POLLING LOCATIONS AND TIMES APPROVED for the November 7, 2017 Joint Election.
- R2. JOINT ELECTION AGREEMENT APPROVED between Montgomery County and Various Political Entities for the November 7, 2017 election for the purpose of sharing polling places, voting equipment, election officials, and the related costs.

Motion carried.

END OF CONSENT AGENDA

AGENDA ITEM 9D2 FIRST BULLET POINT WAS DEFERRED.

CITIZENS – AGENDA ITEM 10

Paul Mendes, Magnolia City Manager, addressed the court concerning the CDBG grant. He believes the recommendation from Dr. Ducharme is fair and correct and urged the court to approve the recommended amounts.

Bill O'Sullivan addressed the court on the budget for the appraisal district. He would like this item tabled. He also spoke to the parallel runway at the airport and does not support the need for one.

COMMISSIONER MEADOR LEFT THE COURTROOM.

Eric Yollick awarded the "golden hammer" to County Auditor Phyllis Martin regarding the unaudited reports submitted in agenda item 9A2 and a document submitted to the Board of District Judges which asked for an increase in salary for the department head. He also addressed agenda item 12A and supports the Sheriff's office receiving the money from the grant for communications. He also complemented the Sheriff's department for the Citizens Academy that he attended and presented a check to the clerk for \$30 for the t-shirt he received. That check was given to the County Attorney so it may be properly noticed.

Kelli Cook addressed the court concerning the appraisal district budget and unfair appraisals. She compared her own home to that of a State Rep. She stated the politically elite's homes are appraised at a lower price per square foot than others.

Teresa Domino addressed the court concerning the financial relationship with Geo Group. She stated many problems with Geo Group and she would like the county to provide oversight to the Joe Corley Detention Facility.

COMMISSIONER MEADOR RETURNED TO THE COURTROOM.

Stacey Buick addressed the court concerning the appraisal district's budget. She does not support an increase in their budget.

Bryan Lather addressed the court concerning the parallel taxiway at the airport. He stated that it would help with the efficiency of the airport.

Chuck Hoffheiser addressed the court concerning the appraisal district budget increase. He does not support the increase and believes that those with larger homes should pay more taxes. He also stated that instead hiring more appraisers they should use commercial drones.

Sherrie Shorten addressed the court concerning the County's ERP system. She does not support the change order on agenda item 17C. She stated the county needs to take ownership of the implantation process and only receiving help as needed.

Evan Besong addressed the court as a representative of Precinct 3. He stated that Commissioner Noack is opposed to the increase of the appraisal districts budget.

Bob Wright addressed the court concerning the airport. He stated that the airport brings business to the County. He also stated that the increase to the appraisal district's budget is bad.

Greg Parker addressed the court concerning the increase to the appraisal district's budget. He stated the increase is ridiculous and disrespectful to citizens.

6. RESOLUTION APPROVED – ISSUANCE OF BONDS – COUNTY JUDGE

Motion by Commissioner Meador, seconded by Commissioner Clark, to approve the Resolution for the issuance of bonds to finance and refinance certain projects for CHI St. Luke's Health System. This is not debt for the County. Motion carried.

AGENDA ITEM 11B – ACKNOWLEDGE AND ACCEPT THE MONTGOMERY CENTRAL APPRAISAL DISTRICT'S 2018 PROPOSED OPERATING BUDGET WAS TABLED.

7. REQUEST APPROVED – 2017 PSAP IMPROVEMENT PROGRAM – SHERIFF

Motion by Commissioner Riley, seconded by Commissioner Meador, to approve the participation in the Montgomery County Emergency Communication District's 2017 PSAP Improvement Program. The district will provide \$100,000.00 to the MCSO

Communications Department for equipment and facility upgrades. The County match is \$10,000.00 and will be funded by the Sheriff's budget 5601711.7570. Motion carried.

8. REQUEST APPROVED – POSITION FUNDING – DISTRICT ATTORNEY

Motion by Commissioner Clark, seconded by Commissioner Meador, to approve funding for the month of September, 2017 for the Attorney II position 435145-7905-1 in the Domestic Violence Prosecutor Grant. The grant period ends August 31, 2017 and the District Attorney's office has requested the County to continue funding this position in the FY 2018 budget as a new position. This will be funded in the amount of \$8,549.00 with Asset Forfeiture. Motion carried.

9. RESOLUTION APPROVED – PARALLEL TAXIWAY – AIRPORT

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve Conroe-North Houston Regional Airport's participation in the Parallel Taxiway Project. County Judge is authorized to execute all contracts and agreements necessary for the implementations of the improvements. This will be funded in the amount of \$633,800.00 with Certificates of Obligation, Series No. 2012. Motion carried.

10. REQUEST APPROVED – INTAKE DIVERSION GRANT – ANIMAL SHELTER

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the request allowing the Animal Shelter to apply for an Intake Diversion Grant from Petsmart Charities. Motion carried.

11. REQUEST APPROVED – VEHICLE PURCHASE – SHERIFF

Motion by Commissioner Riley, seconded by Commissioner Meador, to approve the purchase of eight new quad cab 1500 trucks through the Interlocal agreement with BuyBoard contract #521-16 from Grapevine DCJ, LLC for a total amount of \$186,664.00 for Sheriff's Office as authorized by Local Government Code §271.102. Motion carried.

12. AWARD APPROVED – BULK FUEL – VARIOUS DEPARTMENTS

Motion by Commissioner Clark, seconded by Commissioner Meador, to approve the award for Bulk Fuel to Sun Coast Resources, Inc. Motion carried.

13. AWARD APPROVED – BOIS D'ARC – PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the award for Bois D'Arc widening and reconstruction to R.C. Smith Companies dba Smith and Company. Motion carried.

14. CHANGE ORDER APPROVED – ENTERPRISE RESOURCE PLANNING – VARIOUS DEPARTMENTS

Motion by Commissioner Meador, seconded by Commissioner Riley, to approve the change order #1 to Plante & Moran, PLLC for Enterprise Resource Planning (ERP) needs assessment to amend contract awarded 09/29/15 to include phase 5: Implementation Management Assistance in the amount of \$418,300.00 for Various Departments. Motion carried.

15. DISCRETIONARY EXEMPTION APPROVED – PROJECT ASSESSMENT FOR FUNDING PURSUIT – PRECINCT 4

Motion by Commissioner Clark, seconded by Commissioner Meador, to approve granting a Discretionary Exemption for project assessment for funding pursuit as a personal or professional service from The Goodman Corporation in the amount of \$81,000.00 for Precinct 4 as authorized by Local Government Code §262.024(a)(4).

16. CONTRACTS APPROVED – ENGINEERING SERVICES – PRECINCTS 3 AND 2

Motion by Commissioner Riley, seconded by Commissioner Meador, to approve the contracts with the following highly qualified providers per government code chapter 2254:

- Engineering Services for Birnham Woods Drive widening from Waterbend Cove to Rayford Road with IDS Engineering Group, Inc. in the amount of \$362,666.00 for Precinct 3.
- Engineering Design Services for Fish Creek Thoroughfare bridge over Lake Creek with Aguirre & Fields, LP in the amount of \$227,420.00 for Precinct 2.
- Engineering Services for Grogans Mill/Sawdust Road traffic signal operations with Advanced Traffic Solutions, LLC in the amount of \$74,200.00 for Precinct 3.

Motion carried.

COMMISSIONER MEADOR LEFT THE COURTROOM, BUT RETURNED BEFORE THE END OF MOTION 17.

17. REQUEST APPROVED – POSITION CHANGES – COUNTY ATTORNEY

Motion by Commissioner Meador, seconded by Commissioner Clark, to approve the following position changes to be effective July 1, 2017:

- Close position 4751.7905.10 (Attorney II) and open position 4571.7706.5 (Legal Assistant II) with an annual salary of \$57,500.00. Transfer salary and associated benefits of \$57,500.00 from position 4751.7905.10.
- Close position 4751.7905.7 (Attorney II) and open position 4751.7912.4 (Attorney III) with an annual salary of \$85,471.29. Transfer salary and associated benefits of \$76,381.50 from 4751.7905.7, \$7,331.50 from 4751.7905.10 and \$1,758.29 from 4751.7704.2.
- Open position 4751.7704.3 (Legal Assistant II) for annual salary of \$40,077.12. Transfer salary and associated benefits of \$37,677.12 from 4751.7701.2 (this position number was incorrect on the agenda and the motion was amended to correct the number from 4751.7704.2 to 4751.7701.2) and \$2,400.00 from 4751.7905.10
- Close position 4752.8502.1 (Office Supervisor I). Transfer to 4751.7701.2 (Legal Assistant II) salary and associated benefits of \$40,824.16 and \$1,100.00 from 4751.7905.10. Position 4751.7701.2 Legal Assistant will spend 50% of time on worthless check duties and 50% of the salary will be charged to the worthless check special revenue fund.
- Please transfer the remaining salary and associated benefits from closing position 4751.7905.10 to the following positions:
 - 4751.7701.1 (Legal Assistant I) - \$750.00
 - 4751.7706.1 (Legal Assistant III) - \$1,500.00
 - 4751.7706.2 (Legal Assistant III) - \$1,500.00
 - 4751.8555.1 (Admin Manager II) - \$1,800.00
 - 4751.7706.4 (Legal Assistant III) - \$2,500.00

These adjustments will have no impact on the FY 2017 or FY 2018 budget. The submitted FY 2018 department budget reflects a 5% reduction. Motion carried.

COMMISSIONERS COURT IS RECESSED FOR PUBLIC HEARING ON THE FOLLOWING:

AGENDA ITEM 19A1: CONSIDER AND APPROVE THE METHOD OF DISTRIBUTION (MOD) FOR THE CDBG-DR DISASTER RECOVERY

GRANT RELATING TO THE APRIL AND MAY 2016 FLOODS AND
AUTHORIZE JUDGE DOYAL TO SIGN ANY RELATED PAPERWORK.

Dr. Joanne Ducharme gave a presentation on the 2016 Floods CDBG-Disaster Recovery Allocation. She explained how the money was allocated to the different cities.

Mayor Toby Powell addressed the Court earlier on this matter.

Paul Mendes also addressed the Court earlier on this matter.

Leah Tarrant, Mayor of Patton Village, addressed the court in support of the Method of Distribution of the Grant.

Diane Lincoln, Mayor of Woodloch, addressed the court in support of the Method of Distribution of the Grant.

Jack Yates, City Administrator of Montgomery, addressed the court in support of the Method of Distribution of the Grant.

Gaylon Mansley, Mayor of Stagecoach, addressed the court in support of the Method of Distribution of the Grant.

Vicky Rudy, City Manager of Oak Ridge North, addressed the court in support of the Method of Distribution of the Grant.

Chuck Hoffheiser stated that the county needed a flood management system that would get the water to areas where there were not house, businesses, or infrastructure.

James Osteen, Position 5 City of Stagecoach, addressed the court in support of the Method of Distribution of the Grant.

Cassie Loughlin spoke in opposition to the Method of Distribution. She stated the calculation is unfair to the larger cities.

Matthew Dancer, Magnolia City Council, addressed the court in support of the Method of Distribution of the Grant.

Eric Yollick thanked the Judge and Commissioners for oversight and management for the Community Development Department. He stated this was a great example of government doing good for people that need help by bringing federal dollars back to the community in a fair way.

THERE BEING NO FURTHER COMMENTS FROM THE PUBLIC, THE PUBLIC HEARING WAS CONCLUDED AND COMMISSIONERS COURT RECONVENED.

18. REQUEST APPROVED – METHOD OF DISTRIBUTION – COMMUNITY DEVELOPMENT

Motion by Commissioner Clark, seconded by Commissioner Riley, to approve the method of distribution (MOD) for the CDBG-DR Disaster Recovery Grant relating to the April and May 2016 floods and County Judge is authorized to sign any related paperwork. Motion carried.

19. AGREEMENT APPROVED – FM 1488 – COUNTY ENGINEER – PRECINCT 2

Motion by Commissioner Riley, seconded by Commissioner Meador, to approve an agreement to contribute right of way funds for right of way improvements to FM 1488 with Texas Department of Transportation. County Judge is authorized to sign all related paperwork and this will be funded with 6134014-7598582-RD200053. Motion carried.

20. RESOLUTION APPROVED – ENTERGY TEXAS, INC. – COMMISSIONER PRECINCT 1

Motion by Commissioner Meador, seconded by Commissioner Riley, to proclaim support of a proposal by Entergy Texas, Inc. regarding the application of Entergy Texas Inc. to amend its certificate of Convenience and Necessity to construct Montgomery Power Station in Montgomery County in Public Utility Commission of Texas Docket No. 46416 and reaffirm support for the construction of the Montgomery County Power Station. Motion carried.

21. REQUEST APPROVED – WEST COUNTY SHERIFF SUBSTATION – COMMISSIONER PRECINCT 2

Motion by Commissioner Riley, seconded by Commissioner Meador, to approve the funding of a West County Sheriff Substation from Certificate of Obligation, Series No. 2012. This will not fund the whole project, but will get the project started. Motion carried.

AGENDA ITEM 21C1 – CONSIDER AND APPROVE THE COUNTYWIDE TRANSPORTATION STRATEGY RESOLUTION – MOTION MADE BY COMMISSIONER CLARK, MOTION DIED FOR LACK OF A SECOND.

THE COURT DID NOT RECESS FOR EXECUTIVE SESSION. THE ITEM WAS HEARD IN OPEN COURT.

22. RESOLUTION AND ORDER APPROVED – CLAIM NO. C-17-0048 – EXECUTIVE SESSION

Motion by Commissioner Meador, seconded by Commissioner Riley, to support the need for the Montgomery County Attorney to defend on behalf of the Montgomery County, the lawsuit filed under Cause No. 4:17-cv-881 and styled Freedom from Religion Foundation, Inc. et al v. Judge Wayne Mack and Montgomery County, Texas. The County Attorney is authorized to incur expenses as necessary for the proper defense and negotiation of said cause. This will be funded from the Risk Management budget with the approval of the Director of Risk Management or designee. Motion Carried.

COMMISSIONER MEADOR LEFT THE COURTROOM AND DID NOT RETURN.

CITIZENS – AGENDA ITEM 24

John Wertz addressed the court concerning his opposition to the County funding 249. He would like the project to be given back to TxDOT.

MISCELLANEOUS – AGENDA ITEM 25 – NO OTHER ITEMS LISTED

23. COURT ADJOURNS

Motion by Commissioner Riley, seconded by Judge Doyal, to adjourn this session of Court. Motion carried.

The above and foregoing minutes were read and approved by the Court.

ATTEST:

Mark Turnbull, County Clerk
Ex-Officio Clerk - Commissioners' Court
Montgomery County, Texas

BY: Mark Turnbull
COUNTY CLERK

Craig Dwyer
COUNTY JUDGE

